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International Law Discussions

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only who have sailed without a knowledge of the blockade and get the first information from the blockading vessel." (Manual of International Law, Naval War College, p. 152.) Nor has a vessel a right to expect leniency when it sails to a port publicly known to be blockaded, with the hope that the blockade may be raised before it arrives at the blockaded port. Such a vessel can not demand a warning from the blockading fleet, but is liable to capture, even though it may profess absence of intention to enter the port if found to be blockaded, but in such case to proceed to an alternative destination. In order to avoid liability under Article 44 of the Naval War Code, the vessel should sail directly for the intermediate port for the necessary information. (See Perels, *Seerecht der Gegenwart*, p. 273, sec. 51.)

By the change in Article 15 (see above under Article 15), Article 43 comes under consideration. It is stated in Snow's Manual of International Law issued in 1898, page 157, that "The time allowed for egress of a ship in a blockaded port is generally fifteen days after the establishment of the blockade."

It is customary to allow neutral vessels some time for exit and in general this may be said to be the law, but a "thirty-day" period can not be assumed as general. Therefore, insert in place of "thirty" the words "a specified number," and the words "unless otherwise specially ordered" should be omitted.

(d) How would Articles 42 and 44 lead to confusion in practice?

Article 44 if placed before Article 42 would make matters more clear. The two classes of vessels mentioned in these articles are very distinct when it is possible to apprehend the motives of those who are responsible for their movements.

SECTION VIII.—THE SENDING IN OF PRIZES.

Article 46.

Prizes should be sent in for adjudication, unless otherwise directed, to the nearest suitable port, within the territorial jurisdiction of the United States, in which a prize court may take action.

Article 47.

The prize should be delivered to the court as nearly as possible in the condition in which she was at the time of seizure, and to this end her papers should be carefully sealed at the time of seizure and kept in the custody of the prize master.

Article 48.

All witnesses whose testimony is necessary to the adjudication of the prize should be detained and sent in with her, and if circumstances permit it is preferable that the officer making the search should act as prize master.

The laws of the United States in force concerning prizes and prize cases must be closely followed by officers and men of the United States Navy.

Article 49.

The title to property seized as prize changes only by the decision rendered by the prize court. But if the vessel or its cargo is needed for immediate public use, it may be converted to such use, a careful inventory and appraisal being made by impartial persons and certified to the prize court.

Article 50.

If there are controlling reasons why vessels that are properly captured may not be sent in for adjudication—such as unseaworthiness, the existence of infectious disease, or the lack of a prize crew—they may be appraised and sold, and if this can not be done, they may be destroyed. The imminent danger of recapture would justify destruction if there should be no doubt that the vessel was a proper prize. But in all such cases all of the papers and other testimony should be sent to the prize court, in order that a decree may be duly entered.

SECTION IX.—ARMISTICE, TRUCE, AND CAPITULATIONS, AND VIOLATIONS OF LAWS OF WAR.

Article 51.

A truce or capitulation may be concluded, without special authority, by the commander of a naval force of the United States with the commander of the forces of the enemy, to be limited, however, to their respective commands.

A general armistice requires an agreement between the respective belligerent governments.